UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,264	12/12/2003	Hideo Hoshuyama	118019	8658

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EXAMINER
TSAI, TSUNG YIN

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 June 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7 and 9_ is/are pending in the application.
    4a) Of the above claim(s) _8_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-7 and 9_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _12 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledge canceling claim 8.

Acknowledge of amendment to claims 1, 2, 4, 6 and 9.

Request for Continuous Examination

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

6/8/2009 has been entered.

Information Disclosure Statement

2.   No new IDS were submitted.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-7 and 9 have been considered but

are moot in view of the new ground(s) of rejection.

35 USC 103 – Claim Rejection

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-2, 4-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chen (US 6,487,309 B1) in view of Hirai et al (US 2001/0003557 A1).

(1) Regarding claim 1, similarly to claims 6 and 9:

Chen teach the following:

- an image information generating part for dividing an-captured image data

  consisting of a signal having a plurality of data values of a plurality of pixels into a

  plurality of small areas, said small areas each consisting of a plurality of the

  pixels, and for generating, for each of said small areas, image information

  indicating a characteristic of the captured image data

[figure 4, especially part S4 (divide image data to areas) and S6-S8

(information process from the areas) and column 10 lines 20-60];

- an image-processing part for performing an image processing on each of the

  pixels of the captured image data according to the evaluation value determined

  by said evaluation value determining part for a small area to which a pixel

  belongs and the evaluation value determined for small areas adjacent to the

  small area

[figure 4, especially S12 (interpolation is seen as image processing); figure 4,

especially S6-S8 (seen as evaluation of the area); figure 3 (areas are overlapping)

and column 11 lines 5-10 (where all the areas are seen as overlapping areas,

where overlapping areas are adjacent)].

Chen does not teach:

- an evaluation value determining part for determining an evaluation value

  indicating luminosity for each of the plurality of small areas.

However, Hirai et al teaches:

- an evaluation value determining part for determining an evaluation value

  indicating luminosity for each of the plurality of small areas

[Figure 4 (plurality of small areas) and paragraph 0044 (sensor of the area

provides luminosity data)].

It would have been obvious to one skill in the art at the time of the invention to

modify Chen with Hirai et al regarding evaluation of the luminosity of areas of interest in

order to detect appropriate exposure values for brightness of the object as a whole and

the condition of the object to be photographed is determined as disclose by Hirai et al

on paragraph 0063.

(2) Regarding claim 2:

Chen further teaches:

- captured image data (**figure 4 and column 10 lines 20-60**).

Hirai et al further teaches:

- wherein said image-processing part includes a luminance level correcting part for correcting a luminance level

[paragraph 0049 (based on brightness value compensation calculation procedure is executed and paragraph 0050)]; and

- said luminance level correcting part determines a luminance level correcting coefficient used for the luminance level correction according to the evaluation value for each of said pixels determined by said evaluation value determining part so as to perform the luminance level correction processing on each of said pixels by using the coefficient

[paragraph 0050 (base on brightness value Bvd which is seen as coefficient) and paragraph 0051 (base on Bvd and Lvd colorimetry procedure executed and calorimetric compensation value is calculated is seen as correction processing)].

(3) Regarding claim 4:

Chen further teaches:

- wherein said evaluation value determining part performs a pre-correction processing on the image information for each of said small areas generated by said image information generating part in accordance with a characteristic of a photo-taking lens used for generating the captured image data, and then

determines the evaluation value according to the pre-corrected image information

for each of said small areas

[figure 1 and column 4 lines 50-60 (preprocessing unit connected with lens

drive unit) and column 5 lines 60-67 (lens drive unit perform AF and AE and white

balance processing are all seen as preprocessing correction on image

information capture)].

(4) Regarding claim 5:

Chen further teaches:

- said evaluation value determining part determines the evaluation value by

  weighting the image information for each of said small areas in accordance with

  a ratio of distances from a pixel as a subject for the evaluation-value

  determination to a predetermined point in each of said small areas whose image

  information is to be referred to for the evaluation-value determination

[column 11 lines 55 to column 12 lines 30 (weighting consideration for quantity

for a pixel by weighting factors such as distance, discloses especially on column

12 lines 15-30)].

(5) Regarding claim 7:

Hirai et al further teaches:

- a divisional photometry part for dividing a subject field into a plurality of

  photometry areas and performing photometry for each of the photometry areas,

wherein said image information generating part generates the image information

based on information obtained from said divisional photometry part

[figure 4B (show of division of subject field into plurality of areas) and

paragraph 0044 (generated information of the fields area are outputted such as

color and luminance)].

6.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US

6,487,309 B1) and Hirai et al (US 2001/0003557 A1) in view of Marimon et al (US

5,710,877).

(1) Regarding claim 3:

Chen and Hirai et al teaches all the limitation above in claim 1.

Chen and Hirai et al does not teach the following.

- said evaluation value determining part performs a smoothing processing on the

    image information for each of said small areas generated by said image

    information generating part and determines the evaluation value according to the

    smoothed image information for each of the said small areas.

However Marimon et al teaches the following:

- said evaluation value determining part performs a smoothing processing on the

    image information for each of said small areas generated by said image

    information generating part and determines the evaluation value according to the

    smoothed image information for each of the said small areas

[column 10 line 10-20 (processing of smoothly over the area and a signal property descriptor of the regions) and column 35 lines 25-35 (segmentation of data and smoothing)].

It would have been obvious to one skill in the art at the time of the invention to modify Marimon et al with Chen and Hirai et al regarding division of image data and smoothing such for providing efficient spatially indexing into an original image as discloses by Marimon et al in column 36 lines 5-10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TSUNG-YIN TSAI whose telephone number is (571)270-1671. The examiner can normally be reached on Monday - Friday 8 am - 5 pm ESP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571)272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tsung-Yin Tsai/

Examiner, Art Unit 2624

July 13, 2009

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624